

Record,  
326.

1891.

Intf. Page,

8.

## Interference.

No.

15.448

"Z."

T. H. Macdonald

vs.

L. S. Clarke

Coin Operated  
Photograph

M. 11/18/91

1891.

ATTORNEYS.

J. H. McDonald,  
G. W. Smith Jr.  
Bridgeport, Conn.

J. J. Clarke,  
G. J. Kay,  
Pittsburg, Pa.

(2-070.)

INDEX.

INTERFERENCE.

No. 15.448.

Maidonald

or

Clarke

SUBJECT-MATTER:

Coin Operated  
Photograph

12710-3 m

- 1 Nov 18-91. Deposition. Prelim. Hearing Dec 10/91
- 2 Dec 8-91, Stipulation to extend time for filing Statement
- 3 " 9 " Prelim. Hearing set for Dec. 24-91.
- 4 " 21<sup>st</sup> " Statement of Clarke
- 5 " " " Letter to "
- 6 " 24<sup>th</sup> " Statement of Macdonald
- 7 " 26 " Letter to " "
- 8 Jan. 25-92 Letter to Clarke regarding prelim. by
- 9 " " " " Macdonald " " " " to Feb. 1-92
- 10 Feb 2-92. Statement of Macdonald,
- 11 " " " " Letter to "
- 12 " 6 " " Times set for taking testimony. Hearing May 20-92
- 13 June 30-92 Decided in favor of Clarke. Limit of appeal July 20-92
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App. No. 13,448 Paper No. 1.

*Macdonald*  
*Clark.*

Declaration of Interference of  
*Nov. 18 1891*  
Time for filing statement set  
for *Dec. 10 1891.*

*Dec 10*

All communications should be addressed to

"The Commissioner of Patents,  
Washington, D. C."

DEPARTMENT OF THE INTERIOR,

*United States Patent Office,*

Redec. of Intf. Z

Washington, D.C., Nov., 2, 1891.

Examiner of Interferences.

An interference is found to exist between the following cases, and in respect to the invention therein specified, to wit;

CASES.

1. T.H. Macdonald, of Bridgeport, Conn., for Coin Operated Phonograph, filed April 30, 1891; Serial No. 391,118. (Divisional part of Serial No. 382,091, filed February 19, 1891, whose attorney is F.W. Smith, Jr., of Bridgeport, Conn.
2. L.S. Clarke, of Pittsburg, Pa., for Automatic Phonograph Operating Apparatus, filed August 7, 1890; Serial No. 361,333, whose attorney is J.I. Kay of Pittsburg, Pa.

In a phonograph mechanism, the combination with the circuit-closer and the shunt lever athwart said closer, of the rod adapted to slide freely within suitable bearings and having secured thereon shipping dogs, and connected to said lever, and the extension of the phonograph carriage between said dogs, whereby the abutment of said extension against said dogs will impart an end thrust to said rod to effect the operations of said lever.

2  
Z

The foregoing issue covers substantially claim 1 of Macdonald's application, and 7 of Clarke's application.

*L.W. Maxson.*  
*Examiner.*

Inf. No. 15448 Paper No. 3

Macdonald v. Clarke

Postponement of time for filing  
prelim. statements  
to Dec. 24-91.

Dec. 9-91.

DEPARTMENT OF THE INTERIOR,

United States Patent Office,

Washington, D. C., Dec. 9, 1881.

IN RE INTERFERENCE

Maddonald

No. 15,448.

Before the Examiner of Interferences.

Clarke.  
Coin Operated Phonograph.

T. H. Maddonald & E. M. Smith Jr.  
Bridgeport, Conn.

L. I. Clarke & Jas. I. Kay, Pittsburg  
Pa

Per stipulation the time for filing the statements required  
by Rule 105, is extended to Dec. 24-91.

Walter Johnson

Examiner of Interferences.

15448 — 4

*McDonald*  
VS.

*Clarke*  
STATEMENT OF

*Clarke*

Filed *Dec 21* 1891  
Approved *Jan 25* 1892

*C. F. C.*

CLERK OF DISTRICT COURT

I. C. CIVIL

NO. 1. RECORD

AS

APPEAR IN PROCEEDINGS

IN PROCEEDINGS NO. 12, 1891

DECLARATION OF JUDICIAL OFFICIAL

I, the undersigned, being a duly qualified and sworn officer of the Court, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears in the records of the Court.

IN THE UNITED STATES PATENT OFFICE.

-----o0o-----

L. S. CLARKE	)	Interference No. 15,448.
	)	
vs.	)	Automatic Phonograph Operating
	)	
TO H. McDONALD.	)	Machine.

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PRELIMINARY STATEMENT OF LOUIS L. CLARKE.

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Louis S. Clarke, of Pittsburgh, in the County of Allegheny, State of Pennsylvania, being duly sworn, deposes and says:- I am a party to the above interference declared by the Commissioner of Patents, December 9th, 1891, between my application and the applications of T. H. McDonald. I conceived the invention set forth in the 7th claim of my application, which is alleged to be involved in the above interference, on or about June 2nd, 1890. I disclosed the same to others on or about June 4th, 1890, I made no model or drawing of the apparatus, but proceeded at once to build a full sized working machine, which working machine was completed and successfully operated on or about June 11th, 1890. Since that time the invention has been employed in numerous machines in practical use.

*Louis S. Clarke*

Sworn to and subscribed, before me, this 18<sup>th</sup> day of December, 1891.

*J. H. Cooney*  
Notary Public

15448-6, 10.

November 1, 1889 and on or about November 1, 1890 showed and exhibited to the public the subject matter of this interference on or about number 301,118, for improvement in cold operated phonographs; filed in the United States Patent Office April 30, 1891, serial 1 and the applicant named in the application for said patent being duly sworn, deposes and says as follows:  
I, Thomas H. Macdonald, of Bridgeport, Fairfield County, Connecticut,

State of Connecticut

ss:

County of Fairfield

Preliminary Statement of Macdonald.

Subject: Cold Operated Phonographs.

CITIZEN

AT

Macdonald

Interfered

VS

Clarke

STATEMENT OF

Macdonald

No.

February 22, 1892.

V.H.B.

Filed  
Approved

United States Patent Office.

U. S. PATENT  
FEB 2 1892  
OFFICE

Interference in the United States Patent Office.

Macdonald

vs.

Clark.

No.15,448.

Subject: Coin Operated Phonograph.

Preliminary Statement of Macdonald.

County of Fairfield }  
State of Connecticut } ss.

I Thomas H. Macdonald, of Bridgeport, Fairfield County, Connecticut, being duly sworn, depose and say as follows:

I am the applicant named in the application for letters patent filed in the United States Patent Office April 30th., 1891, serial No. 391,118, for improvement in Coin Operated Phonographs;

I conceived the subject matter of this Interference on or about November 1st., 1889, and from that time until on or about November 1<sup>st</sup>., 1890 I studied and experimented with a view to getting my invention in the best practical form; On or about the 1st. of November 1890 I showed and explained to others my invention involved in this interference; On or about Nov. 1st. 1890, I made a drawing of the invention involved in this controversy and delivered the same to the Smith & Egge Mfg. Co., a corporation doing business at Bridgeport aforesaid, and instructed said company to build a model illustrating said invention; the said company built said model and delivered the same to me

2 On or about Nov. 22, 1890, and said model operated satisfactorily and was shown and explained by me to very many others during the months of November and December 1890.

On or about January 10th., 1891, the Eastern Pennsylvania Phonograph Co. of Philadelphia, Pennsylvania, Contracted with the Smith & Egge Mfg. Co., afore said, to build a large number of devices containing the invention involved in this controversy, and on or about March 16th. 1891, fifty of such devices were completed and delivered to the Eastern Pennsylvania Phonograph Co. afore said, and since the latter date <sup>said</sup> devices have gone into extensive use; On or about January 15th 1891 I instructed my attorney F.W.Smith Jr. of said Bridgeport, to make application for letters patent for the invention involved in this interference, and on or about February 19th 1891 said application was filed in the United States Patent Office; On or about April 30, 1891, I divided said application and withdrew there from the subject matter involved in this interference and filed a divisional application for patent for said subject matter.

*J. H. Macdonald*  
-----

Subscribed and sworn to this 22nd. day of December, 1891.

*F. W. Smith Jr.*  
-----  
Notary Public.

Interference in the United States Patent Office.

Macdonald }  
vs  
Clarke. }

No. 15,448

Subject: Coin Operated Phonograph.

Preliminary Statement of Macdonald.

County of Fairfield }  
State of Connecticut } ss:

I, Thomas H. Macdonald, of Bridgeport, Fairfield County, Connecticut, being duly sworn, depose and say as follows:

I am the applicant named in the application for letters patent filed in the United States Patent Office April 30, 1891, serial number 391,118, for Improvement in Coin Operated Phonographs;

I conceived the subject matter of this Interference on or about November 1, 1889 and on or about November 1, 1890 showed and explained the same to others; On or about November 1, 1890, I made a drawing of the invention involved in this controversy;

On or about November 22, 1890, I reduced this invention to practice; On or about November 22, 1890, a model containing the invention involved in this controversy was completed, said model having been built for me under my instructions;

On or about March 16, 1891, Fifty devices containing the invention involved in this controversy were completed, said devices having been built under my instructions, and said devices were all sold in the open market during the month of March 1891 or thereabouts.

*Thomas H. Macdonald*

Subscribed and sworn to this 29<sup>th</sup> day of January, 1892.

*J. W. Smith*

*Notary Public*

*700 nbs*

15,448 Paper No. 13

Macdonald

v.

Clarke.

Decision of priority  
in favor of Clarke.  
June 30-'92.

Recorded, Vol, 40. p. 485.

Room No. 44.

2-069.

All communications should be addressed to  
"The Commissioner of Patents,  
Washington, D. C."

DEPARTMENT OF THE INTERIOR,

United States Patent Office,

Washington, D. C.,

June 30, 1892

IN RE INTERFERENCE

Macdonald

Interference No. 15,448

Before the Examiner of Interferences.

Clarke

Case 2

Subject-matter: Coin Operated Phonograph

The day heretofore set for final hearing  
having passed, and Macdonald,

The junior party having failed to file any testimony  
within the time allowed for that purpose, judgment of priority of invention is  
hereby rendered in favor of Louis S. Clarke,  
the senior party herein,  
in accordance with the provisions of Rules 116 and 117

Limit of appeal will expire July 20, 1892

Walter Johnson

Examiner of Interferences.